This compendious mode of discarding existing institutions is much in vogue with radical reformers in these days. It is easier to dogmatize than to reason, and those who fabricate new schemes rarely suffer from the almost invariable failure of their social experiments. Intuitively these philosophers recognize the wisdom of the fable.

What we have to expect from the heated imaginations of radical reformers we know very well from experience. The least we ought to exact from them, as a preliminary instalment, is a precise account of the source whence they obtain their novelties. The test of actual and successful trial is the best reason for introducing a new institution. The next is the concurrent opinion of writers of repute and of practical experience. A writer on the Roman bar says: "*Si les citations sont une sorte d'épouvantail pour une certaine classe de lecteurs, aux yeux des hommes d'étude elles passent pour la meilleure garantie de la conscience de l'écrivain.* (Grellet Dumazeau, Barreau Romain, VIII.)

For my part I have very little faith in complete systems either of law or politics, concocted in the retirement of the closet. Constitutions and systems of law are the accumulated growth of ages, and except under the pressure of the most imperious necessity, the attempt to remodel them, so as to turn them out spick and span new, appears to me to be an evidence of that presumptuous folly, which is the most common indication of intellectual decay. (1.)

The introductory chapter of the report deals *seriatim* with the following subjects: "Administration of Justice," "Decentralisation," "Court of Review," "Superior Court," "County Courts," "Advocate General." "The appointment of a second Chief Justice," "Appeal," "Privy Council," and "Trial by Jury." So far as possible I purpose following the order thus mapped out, and I shall conclude with some remarks on the proposed changes in procedure, and by the suggestion in outline of some modifications of our present system which, I think, might perhaps be advantageously adopted.

The delays of justice are the proverbial reproach to the administration of the law; but those acquainted with the subject, know what insurmountable obstacles prevent expedition in legal proceedings. The fault is not that of any particular system. The first impediment arises from the bad faith of one or other party. In the great multitude of cases the defendant does not desire a speedy termination of the proceedings, and by disingenuous appeals to unquestionable principles, he readily obtains the temporary relief he seeks, and thus justice is, to some extent, defeated.

Inexperience cries out, why not put a stop to these dishonest manœuvres? The answer is plain; it is only by the trial that it can be known which litigant is in bad faith.

The next cause of delay is the difficulty of establishing the fact.

Many plans have been tried, and countless ones have been suggested, to remedy these evils, but without much success or prospect of improvement. Extreme technicality, and the greatest latitude have proved equally unavailing, and it is probable that the least sum of evil will be found in the vigilant repression of each form of abuse as it arises.

The third cause of delay is the accumulation of cases which cannot be disposed of. This is an evil which, I conceive, it is easy to remedy by the most ordinary care and attention, and by the application of the plainest and most obvious dictates of common sense.

I am inclined to concur with the Commissioner as to the decentralisation of justice. It seems to me the measure of 1857 was greeted with an applause it did not deserve, and that it was far in advance of the wants and the means of the country. But after all, the extent to which decentralisation should be carried is a question of expediency, and, as the Commis-

(1) The mania of remodelling is alarmingly exhibited in the love of law-making. Not only does it seem necessary to tamper constantly with all the dispositions of the statutory law, a legitimate field of labour, under proper restrictions, but it is thought that no rule of the common law can be secure till it has appeared in the form of a Statute. This disposition to trust to only what is written i.e. to a text, as in primitive legislation, has been popularized by the French code, in one sense a great success. But people seem to forget that a general exposition of the leading subjects of the civil law had become very desirable in France, in order to destroy the multitude of provincial and local customs, and that the Revolution had rendered such a change possible. Its being copied in other countries, not similarly situated, does not say much for the discernment of their inhabitants. It is well to bear in mind the following passage from Bacon; "And sure I am, there are more doubts that rise upon our Statutes which are a text law, than upon the common law which is no text law." The sententious brevity inseparable from wholesale codification must be often ambiguous. This leads to doctrine burthened with a crabbed text.